SHRI BALASAHEB VIKHE PATIL : Sir, if the Member requires, I can supply the list to him also, stating which are the companies. ...(*Interruptions*)...

श्री प्रफुल्ल पटेल : सभापति महोदय, केवल पार्लियामेंट में जो सर्वे हुआ है, उसके आधार पर मंत्री महोदय ये सब आंकड़े दे रहे हैं। यह 26 हजार करोड़ का मुनाफा है और ये सारी जो बातें हैं, ये खुशी की बातें हैं। लेकिन उसी सर्वे में यह दिया गया है कि पब्लिक सैक्टर यूनिट्स से जो सरकार को डिवीडेंड दिया जाता है वह 8260 करोड़ से घट कर 8067 करोड़ हो गया है। 26 हजार करोड़ से प्रोफिट बढ़ गया है। आपका जो डिविडेंड होता है, जो सरकार को आप रिटर्न करते हैं, वह घट गया है। इसके बारे में आपको कोई जानकारी है या कोई वजह है तो बताएं ताकि हमें भी जानकारी हो।

श्री बाला साहिब विखे पाटिल : मेरे पास जानकारी तो पूरी है लेकिन आपको पता है कि जो आप तो उद्योग चलाने वाले हैं। बात यह है कि जो 26 हजार नफा है यह सभी 240 यूनिट्स का है। बात इतनी है कि ऐरे-गैरे कम्पनी का इनकम टैक्स रिटर्न ....(**व्यवधान**) सुनिए, अलग-अलग कम्पनी का इनकम टैक्स रिटर्न अलग-अलग होता है, बिफोर टैक्स एंड आफ्टर टैक्स। इसका मतलब यह नहीं है कि किसी कम्पनी में ज्यादा नफा होगा तो वह ज्यादा देगा। परफोर्मेन्स डिक्रीज भी होती है तो डिवेडेंट कम हो जाएगा, ...(**व्यवधान**) इसका मतलब नहीं है। एक कम्पनी हो जाती है और एक कम्पनी का नफा 26 हजार हो जाता है तो फिर इनकम टैक्स रिटर्न ठीक हो जाता है, लेकिन अलग यूनिट का अलग इनकम टैक्स रिटर्न होता है तो ....(**व्यवधान**)

श्री सभापति : बोलने दीजिए। यह मामला उद्योगपतियों का नहीं है, यह हाउस में आया है।

श्री प्रफुल्ल पटेल : अगर इनके पास डिटेल न हों तो बाद में भेज दें।

श्री सभापति : जो भी हो, आप भेज देना।

श्री बाला साहिब विखे पाटिल : हां, भेज देंगे। I Will send it to him.

High Court Bench in North Karnataka

*426. SHRI M. V. RAJASEKHARAN : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government have any proposal to establish a High Court Bench in North Karnataka;

(b) if so, by when it is going to commence its functioning; and

(c) if not, the reasons therefor ?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY) : (a) to (c) A statement is laid on the Table of the House.

Statement

(a) to (c) The Government of Karnataka has since 1981 been of the view that a Bench of the Karnataka High Court be established at Hubli-Dharwad. However, the successive Chief Justices of the High Court have not so far endorsed the proposal. It is the policy of the Government of India that both the State Government and the High Court consider the matter from all angles and arrive at a consensus. As no complete proposal has been received from the Government of Karnataka, in consultation with the Chief Justice of Karnataka High Court, for establishing a Bench of the High Court in North Karnataka, it has not been possible for the Central Government to take a decision in the matter.

SHRI M. V. RAJASEKHARAN : Mr. Chairman, Sir, the policy of every Government should be to take justice to the doorsteps of the poor people. From the reply given by the hon. Minister it is very clear that this particular issue has been pending before the Government since 1981, *i.e..*, for the last 22 years no action has been taken to set up a Bench of the High Court in the northern region of Karnataka State. Sir, when such is the case, how do you expect . . . *(Interruptions)* . . .

MR. CHAIRMAN : What is your question?

SHRI M. V. RAJASEKHARAN : Sir, in that context I would like to know why no decision has been taken; what are the reasons for that. Though the hon. Minister has stated that the Government of Karnataka and the High Court have not been able to reach a consensus, I would like to know especially what are the criteria laid down for arriving at such a consensus and setting up the Bench as quickly as possible.

SHRI ARUN JAITLEY : Sir, I agree with the hon. Member that in some of the States there is a good case for setting up Benches outside the principal Bench. Karnataka, probably, is one such example where there is a need for setting up a Bench in North Karnataka, particularly because I have also tried to ascertain the distance. The distance between Dharwad, which is one of the suggested sites, and Bangalore is 430 kms. by road, and it is a little more, as far as rail is concerned. For 20 years this issue has been pending; the hon. Member is right at that. This is governed by Section 51 of the States Reorganisation Act, the provision for setting up Benches, and under that Act, the Government of India is to consult the State Government, and also to consult the Chief Justice of

the High Court, and, then, arrive at a decision. The State of Karnataka has been recommending it to the extent, that there is also a Resolution of the Karnataka Assembly in the past recommending the setting up of the Benches. The High Court, at one stage, has considered, but after considering, has repeatedly turned down the proposal. Some Advocates' Association of Karnataka moved the Supreme Court on this issue. As per our assessment earlier, a decision was to be arrived at by the Government and then a legislation to be passed by both the Houses of Parliament for setting up of a bench. The Supreme Court has taken a view and I am reading just one paragraph of the judgement. This is, at some later stage, for this House to consider. "The High Court is the best suited machinery to decide whether it is necessary and feasible to have a bench outside the principal bench of the High Court. If the High Court does not favour such an establishment, it is pernicious to dissect the High Court to different regions on the ground of political or other considerations. So, it is out of question to decide for establishment of a bench outside the principle seat of a High Court, contrary to the opinion of the Chief Justice of that High Court, which has been formed after considering the views of the colleague judges." So it is not that the Central Government is not able to set it up. This judgement of the Supreme Court, which came three years ago, is now being analysed by us. We have also consulted the Attorney General as to how this impasse could be ended because this has an implication on several other States. Under the law, it is the Central Government which has to decide, that is, the President, after consulting the Chief Justice. But, now after the judgement, the last word appears to be of the Chief Justice of the High Court concerned.

SHRI M.V. RAJASEKHARAN : Now, Sir, if such an impasse continues for another 20 or 25 years, what would be the stand of the Central Government? This is number one. Now, the second thing is this. As you are aware, Sir, you have got such benches established in the States of U.P. and Madhya Pradesh. This is not the first time that this thing is coming up. Therefore, Sir, I would like to know what is the initiative the Central Government is going to take up and see that the benches get established as quickly as possible. I would like to know from the hon. Minister when this thing is going to come up, when a decision is going to be taken.

SHRI ARUN JAITLEY : Sir, I have explained the Constitutional issue which arises today, particularly after the judgement of the hon. Supreme Court. The Government of India had earlier set up the Justice Jaswant Singh Commission, which has elaborated a series of guidelines which are to be borne in mind while setting up of a bench. The Government accepts those guidelines and there are a

series of cumulative factors which are to be taken into consideration. I have the series of guidelines with me. The Government of India, in some of the States, would be, in principle, in favour of setting up of these benches, where they are required. We are not in favour wherever demand is raised, but in some specific areas, we would be in favour. But, today the difficulty arises that the last word as this judgement indicates is of the Chief Justice of the High Court and not under Section 51 through a process of legislation to be passed by both the Houses of Parliament.

SHRI M. V. RAJASEKHARAN : There should be some time limit. . . . *(Interruptions)*.

MR. CHAIRMAN : Dr. Raja Ramanna.

DR. RAJA RAMANNA : Mr. Chairman, Sir, I would also like to represent the problems of the litigants who have to make use of the High Court in Karnataka, mainly because Karnataka is a long State and as has been pointed out by the Minister, the North is quite far from the Bangalore, which is at the tip of the South. All this is known and the Government is aware that it is necessary. They could have given certain amelioration by having improved transport. Now, to go from Hubli or even north of Hubli, as was mentioned, it takes a whole night because the train is slow, it is sluggish, it is a train which was built by the British years ago and nothing has happened, compared to what has happened in North. These are the points which have been raised by me from time to time in this House and which continues to be the same. Therefore, I want to bring to the attention of the Minister that immediate solutions can be given of improving transport, improving roads so that people can get to the High Court. Today, they have to come previous night, spend the whole night and go back. It costs them an awful lot of money. This is never taken into consideration in all the deliberations held with the Supreme Court. I want to bring this to their attention.

SHRI ARUN JAITLEY : I am grateful to the hon. Member for having made this suggestion. I will certainly pass it on to the appropriate authorities which deal with this. But then the difficulties are not merely road or rail transport. The distance also adds to the litigating cost. If the distance is far off, the litigants of the State have not only to travel, but to stay in hotels overnight. So, it adds to the entire litigation cost, if the benches are very far off.

SHRI HANSRAJ BHARDWAJ : Sir, I am not very happy with the answer given by the hon. Minister. Whenever a reform is needed in law, we cite the view of the Supreme Court or the Attorney-General. This can't be appreciated because there is a Government which is responsible to give a justice administration

system to its people, and the Constitutional duty is of the Central Government because the High Courts and the Supreme Court come under the Central Government. It is high time that we laid down a firm policy. I would like to know whether he would like to dilute the position of a court of record, that is, the High Court, in order to facilitate and obviate the difficulties faced by the people. We are a welfare State. We may take that view because there is a demand from Guntur in Andhra Pradesh, there is a demand from Hubli-Dharwad in Karnataka and there are demands from several other States. In my own State, Haryana, there is no High Court. So, you have to take a firm position. What is the policy of the Government which is directly and Constitutionally responsible ? I don't appreciate the fact that, time and again, we cite the Supreme Court. Where have we reached today ? There is no governance. Every power is being abdicated to the Supreme Court or the High Courts. Therefore, having regard to the fact that we have reached a flashpoint, will the hon. Minister take a decision ? I would like to know whether you will agree to such proposals that you have got from Tamil Nadu, Karnataka, etc., or finally, you say, "Sorry, we can't give it because the State Governments don't have the money to provide the infrastructure". So, let us be frank and fortright about it.

SHRI ARUN JAITLEY : Sir, I could not have been more frank, as far as my answer was concerned. This doesn't apply to the hon. Member's home State, Harayana, because Haryana would not be covered by this. That is on a different footing. Setting up a bench in Haryana is not an issue. As far as Haryana is concerned, two States and a Union Territory have a combined High Court. There are two States, West Bengal and Tamil Nadu, where, after the consultation process with the State Governments and the High Courts, the in principle approval has been granted. In Tamil Nadu, the building is under consideration, as far as Madurai is concerned. In West Bengal, Jalpaiguri is the site which has been decided by consensus of all and the process will be started in that area. But the difficulty is not that funds are not being available or that the Government in principle is not being ready wherever a justified demand may exist. The difficulty, today, is that, as per the law declared by the Supreme Court, there is a clear indication—I would like the hon. Member, the former Law Minister, to examine that—that the last word has been vested with the Chief Justice of the High Court on this issue. This is a subject on which we are even prepared for discussions, both outside and inside the House, with the hon. Members and other political parties, on how this impasse could be overcome. The High Court, despite a unanimous resolution of the Karnataka Assembly and repeated recommendations of the State Government, has taken a view that a bench need not be set up. That

is really the difficulty. Now, the issue is how to overcome the impasse. The issue is not the unwillingness of the Government, nor is it a question of funds in the States. The issue is how we could overcome the Constitutional impasse which has been created. *(Interruptions)* . . .

SHRI JANARDHANA POOJARY : Why doesn't the Central Government change the policy ? *(Interruptions)* . . .

MR. CHAIRMAN : Q. No. 427. *(Interruptions)* . . .

SHRI JANARDHANA POOJARY : They can change the policy. *(Interruptions)* . . .

MR. CHAIRMAN : Q. No. 427. *(Interruptions)* . . .

SHRI JANARDHANA POOJARY : Sir, this is a very important issue. *(Interruptions)* . . .

*427. [The questioner (Shri S. M. Lal Jan Basha) was absent. For answer *vide* page 40 *infra*]

दिल्ली में कालोनियों को नियमित किए जाने के लिए कानून

428 **श्री मोती लाल वोरा†† :**

श्रीमती प्रेमा करियप्पा :

क्या शहरी विकास और गरीबी उपशमन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली उच्च न्यायालय ने सरकार को निदेश दिया है कि पहले कानून बनाएं और फिर कालोनियों को नियमित करें ;

(ख) यदि हां, तो सरकार द्वारा इस दिशा में क्या कदम उठाए गए हैं ;

(ग) दिल्ली में किन-किन कालोनियों को नियमित किए जाने का प्रस्ताव है ;

(घ) इन सभी कालोनियों के विकास कार्य को कब तक पूरा कर लिए जाने की संभावना है ; और

(ङ) सरकार प्रस्तावित कानून कब तक बनाने का विचार रखती है ?

शहरी विकास और गरीबी उपशमन मंत्री (श्री अनन्त कुमार) : (क) से (ङ) एक विवरण सभा पटल पर रखा है।

विवरण

(क) से (ङ) सरकार ने 31-3-1993 को मौजूद अनधिकृत कालोनियों को नियमित करने के लिए विस्तृत दिशानिर्देश तैयार किए थे तथा उन्हें सिविल रिट याचिका सं. 4771/1993 कॉमन काज (रजि.) सोसायटी बनाम भारत संघ व अन्य में दिल्ली उच्च न्यायालय में दाखिल किया।

††सभा में यह प्रश्न श्री मोती लाल वोरा द्वारा पूछा गया।